IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the April 17th, 2006

Criminal Misc. Bail Application No.293 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Anil Singh @ Anand Singh @ Anu
S/o Shri Gopal Singh
R/o village Thirpak, Patwari Circle Mangroli
Tehsil Karanprayag, District Chamoli .....Applicant

Versus

State of Uttaranchal ... Opposite Party

Arising out of case crime No.2 of 2006
Under Sections 363, 366 IPC
Registered on the basis of FIR dated 4.2.2006
Patwari Circle Mangroli
Tehsil Karanprayag
District Chamoli

Hon'ble J.C.S. Rawat, J.

Heard Sri R. P. Nautiyal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. There is no averment in the statement recorded under section 161 Cr.P.C. that the victim was taken for illicit intercourse and there is no averment that the rape was committed upon her. The learned counsel for the applicant contended that she was taken from one place to other places and she kept silent and did not make any hue and cry. It was pointed out by the learned A.G.A. that the statement under section 164 Cr.P.C. was not recorded by the prosecution. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 17.04.2006 **(J.C.S. Rawat, J.)**

LSR